IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

Writ Petition No.34197 of 1998
DATED 5-4-2007

BETWEEN
Janardhan Reddy and 2 others.

.. Petitioner

And

The Government of A.P. rep by its Secretary,
Irrigation & CAD (Project Wing) Department,
Secretariat, Hyderabad and 3 others.

.. Respondents

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.34197 of 1998

ORDER:

In this writ petition, the petitioners seek a direction by way of Mandamus to declare the action of the respondents in not depositing the compensation amount as determined in O.P.No.400 of 1987 and batch dated 10.3.1995, which was confirmed by this Court in A.S.No.1169 of 1995 and batch dated 25.9.1996 and 30.9.1996 as illegal.

The lands of the petitioners situate at Nettampadu Village were acquired for formation of sand quarry road from Chintarevula to Nettampadu Village. The notification under Section 4(1) of the Land

Acquisition Act, 1894 (for short 'the Act') was issued on 4.5.1985 and an award was passed in Award No.4 of 1986 on 11.2.1986. Dissatisfied with the compensation awarded by the Land Acquisition Officer, a reference was sought for under Section18 of the Act and the reference Court enhanced the compensation by judgment and decree dated 10.3.1995. The said judgment and decree was also confirmed in appeal by this Court in A.S.Nos.1165 of 1995 and batch.

The grievance of the petitioners is that in spite of this Court confirming the judgment and decree passed by the reference Court enhancing the compensation amount, the respondents have not paid the same.

At the stage of admission, this Court by order dated 9.12.1998 directed the respondents to deposit the enhanced compensation as determined by the Civil Court, which was confirmed by this Court. Though the writ petition is of the year 1998, no counter affidavit has been filed on behalf of the respondents. Even the learned counsel for the petitioners submit that there are no instructions, as of now, as to whether the compensation was paid or not pursuant to the directions of this Court. If compensation is not paid in accordance with the decree granted in O.P.Nos.400 of 1987 and batch, which was confirmed in appeal, the petitioners can execute such a decree by filing appropriate execution petition and this Court under Article 226 of the Constitution of India cannot grant such a direction in this writ petition.

The writ petition is devoid of merits and the same shall accordingly stand dismissed. No costs.

R.SUBHASH REDDY,J

Dt: 5.4.2007
msv.